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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/185,208	11/03/1998	MARK E. FAGAN	54537USA3A	5148

7590

12/13/2001

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EXAMINER

AHMAD, NASSER

ART UNIT

PAPER NUMBER

1772

17

DATE MAILED: 12/13/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/185,208

Applicant(s)
Fagan et al.

Examiner
Nasser Ahmad

Art Unit
1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 10, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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DETAILED ACTION

1. Claims 1-4, 7-8, 10-12 and 14 are rejected under 35 USC 103 (a) as being unpatentable over Butler in view of Zhu for reasons of record in Paper no. 15, paragraph-3, mailed June 4, 2001.
2. Claims 5-6,9 and 13 are rejected under 35 USC 103 (a) as being unpatentable over Butler in view of Zhu and Blackwell for reasons of record in Paper no. 15, paragraph-4.
3. Applicant's arguments filed September 10, 2001 have been fully considered but they are not persuasive. Applicant argues that neither Butler or Zhu describe how to coat a film with an LAB. This is not deemed to be convincing because "how to coat a film" is directed to a process condition which is not germane to the issue of patentability of the product itself.

Further, applicant argues that neither Butler nor Zhu teaches Pattern-coated LAB such that the viewer is unable to distinguish between the coated and uncoated macroscopic portions of the film. This is not found to be convincing because Butler does relate to a pattern coated LAB which provides for both coated and uncoated portions of a textured film having visually uniform appearance and Zhu discloses the use of particulate filler having diameter greater than the film thickness to provide a change in visual properties. Also, the phrase "macroscopic portions" could not be located in the claims and cannot be read thereinto for the purpose of avoiding the applied prior art. Additionally, applicant has failed to provide any evidence that the Butler-Zhu combination would not provide visually uniform appearance.

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As for the phrase “Uniformity of macroscopic portions of the films is not is being claimed”, this is found to be unclear and confusing because the claims are directed to “the appearance of coated and uncoated areas on a textured film backing is visually uniform” which clearly directs to the uniforming of the film portions.

As for Blackwell reference, it was cited to show that it is well known in the adhesive art to use two different LAB coating on a surface for facilitating varying release properties.

Thus, in the absence of any evidence to the contrary, it remains the Examiner’s position that the instant claimed invention would have been obvious over the prior art of record to discussed above.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

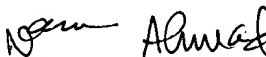
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can normally be reached on Monday-Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703) 308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


NASSER AHMAD
PRIMARY EXAMINER

Ahmad/af

December 12, 2001